

Nays--Bowers, Cole, Dohoney, Douglas, Latimer, Shannon, Tenedick--7.

So the Senate, at 11:40 A. M., adjourned until 10:30 A. M. tomorrow.

### THIRTIETH DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, Friday, Oct. 20, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent, excused--Senator Pickett.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

### PETITIONS AND MEMORIALS.

By Senator Mills, a petition of the police court of Madison county, Texas, as follows:

MADISONVILLE, May 29, 1871.

THE STATE OF TEXAS, {  
Madison County. }

To the Honorable Senate and House of Representatives of the State of Texas:

The undersigned, members of the Police Court of Madison county, would respectfully represent unto your honorable body that the county of Madison is without a court house, and also without a secure county jail. Our court house was consumed by fire in June, 1865. Our jail is old and nearly rotted down, and has not been secure for several years. Our people are generally poor and in debt, and to levy a special tax for the purpose of building a court house and jail, in addition to the large taxes they already have to pay, would be exceedingly burdensome to them.

In order that such a burden be not imposed upon them, we would most respectfully ask that that portion of the direct *ad valorem* State tax, not appropriated to a special purpose, as also the State occupation tax, to be collected for the years 1871 and 1872 in this county, be given to the county, to be used under direction of the county

court, for the purpose of building a good court house and a secure county jail.

And, as in duty bound, your petitioners will ever pray, etc.,

C. G. SCOTT, Presiding Justice,

JOHN VERNON,

THOMAS J. GASEE, } Members Police Court.

C. B. HALLIS,

Petition read and referred to the Committee on Finance.

Senator Ruby stated that a clerical error had been made in the engrossment of Senate bill No. 269, "An act to establish a maximum rate of charges for transportation of passengers on the different railroads in this State," and asked the return of the bill for the purpose of re-engrossment.

There being no objection leave was granted.

Message from the House by the Chief Clerk, Mr. Gallant, transmitting for concurrence House bills as follows; House bill No. 750, "An act to incorporate the town of Lockhart, in Caldwell county;" House bill No. 815, "An act permanently establishing the county seat of Menard county;" House bill No. 821, "An act permanently establishing the county seat of Rains county;" House bill No. 747, "An act authorizing a loan to meet deficiencies in the revenue of the State.

And, informing the Senate that the House had passed without amendment: Senate bill No. 468, "An act to authorize the County Court of Marion county to have certain records from other counties transcribed and recorded in said county."

And transmitting for signature of the President the following enrolled House bills: House bill No. 28, "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 26, A. D. 1856;" House bill No. 549, "An act to incorporate Scyene Masonic Male and Female Institute;" House bill No. 696, "An act to be entitled 'an act to regulate the time of holding courts in the Eleventh Judicial District;" House bill No. 704, "An act to incorporate the Yorktown Fire Company No. 1, of the town of Yorktown, in the county of DeWitt;" House bill No. 726, "An act to authorize Howard Keys and his associates to construct a toll bridge across lake fork of Sabine river;" House bill No. 731, "An act to amend section one of an act entitled 'an act to encourage stockraising, and for the protection of stockraisers,' approved May 22, 1871;" House bill No. 812, "An act to incorporate the Colorado Fire Company No. 2, of the city of Austin."

Enrolled House bills signed by the President in open session and returned to the House.

## REPORTS OF STANDING COMMITTEES.

Report of Committee on Public Debt:

COMMITTEE ROOM, }  
Austin, Oct. 13, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Public Debt, to whom was referred House bill No. 776, to be entitled "An act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871," have examined the same, and beg leave to report that the bill appears to have been carefully drawn with a view of carrying into effect the recommendations of the Auditorial Board, contained in their report of September 1, 1871. The bill under consideration confirms the action of the Auditorial Board of 1866 so far as the said board proceeded in issuing bonds and certificates of indebtedness upon the ascertained and audited debt of the State, and makes an appropriation to pay the interest past due on the bonds and certificates up to the first of January, 1872. It also provides for the extension of time within which claims may be filed with the board for adjustment to the first of January, 1873, and instructs the board to allow all *bona fide* claims actually incurred before the 28th of January, 1861, notwithstanding they may have been adjudicated after said date, and authorize the allowance of interest on the penitentiary claims from the time they fell due, at the rate of six per cent. per annum. It is believed that the passage of this bill will greatly facilitate the speedy adjustment and settlement of this vexed question in a manner satisfactory to the creditors and honorable to the State. Your committee therefore respectfully recommend the passage of the bill without amendment.

E. PETTIT, Chairman.

Report read and laid over under the rules.

Senator Bowers gave notice that he would submit a minority report on House bill No. 776.

Report of Committee on Contingent Expenses:

COMMITTEE ROOM, }  
Austin, Oct. 20, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Contingent Expenses, to whom was referred the account of Jas. E. Slater, have the honor to state that they have examined the same and recommend that inasmuch as the Journal Clerk is a regular officer of this Senate, your committee recommend that the same be paid out of the appropriation made for

the *per diem* pay of the members, officers and employes of the Twelfth Legislature.

Respectfully,

J. S. MILLS, Chairman.

Report read.

On motion of Senator Gaines the rules were suspended to consider the report, and on further motion the report was adopted and the account allowed.

Report of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM, {  
Austin, Oct. 20, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 507, entitled "An act in relation to county bridges," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

JOHN G. BELL, Chairman.

Report read.

On motion of Senator Pyle, the rules were suspended to consider the report and bill. Bill read second time, ordered engrossed and passed to a third reading.

On motion of Senator Saylor, the rules were further suspended and Senate bill No. 507 read third time and passed.

11 o'clock A. M.

The hour for the special order, Senate bill No. 395, "An act in relation to the registration of voters," having arrived, on motion of Senator Saylor, the consideration of the special order was postponed until 11 A. M. to-morrow.

Under direction of the President the Secretary carried to the House for concurrence the following Senate bills: Senate bill No. 271, "An act to prohibit the sale of intoxicating or spirituous liquors within the vicinity of the Seminary of Owensville;" Senate bill No. 499, "An act in relation to the change of venue in certain cases."

Also, returning to the House, House bill No. 63, "An act to incorporate the Mutual Aid Society of the city of Houston," with information that the Senate had passed the same with amendment; and had passed without amendment House bill No. 673, "An act to authorize the county court of Upshur county to levy a special tax for the completion of the court house in said county."

Reports of Judiciary Committee:

COMMITTEE ROOM, }  
Austin, Oct. 20, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 376 entitled "An act to repeal 'an act to amend articles seven hundred and fifty-seven and seven hundred and sixty-six of 'an act to adopt and establish a penal code for the State of Texas,' approved November 12, 1866," after careful consideration, instruct me to report the same back and recommend that it do not pass.

Respectfully,  
M. H. BOWERS, Chairman *pro tem*.

COMMITTEE ROOM, }  
Austin, Oct. 20, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 453, entitled "An act to authorize the amendment of affidavits and bonds in certain cases," after careful consideration, instruct me to report the same back and recommend its passage with the accompanying amendment.

Respectfully,  
M. H. BOWERS, Chairman *pro tem*.

Amendment to House bill No. 453 by Judiciary Committee:  
Amend section one, line eight, by striking out the word "shall" and inserting the word "may."

COMMITTEE ROOM, }  
Austin, Oct. 20, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 454, entitled "An act to amend an act entitled 'an act to amend the first section of an act to regulate proceedings in the district courts,' approved May 13, 1846, approved December 10, 1863," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,  
M. H. BOWERS, Chairman *pro tem*.

Reports read and laid over under the rules.

Reports of Committee on Private Land Claims:

COMMITTEE ROOM, }  
Austin, Oct. 18, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Private Land Claims, to whom was re-referred Senate bill No. 103, entitled "An act for the relief of the heirs of W. J. Cowan, deceased, after careful consideration instruct me to report the same back and recommend its passage. We find the claim to be eminently meritorious.

1. It satisfactorily appears that W. J. Cowan, the ancestor was one among the massacred at Goliad, under the command of Col. James W. Fannin, being the fourteenth name on the roll.

2. That the application is made by and in behalf of his legal heirs for the headright of one third of a league and that under the law, they are entitled thereto.

3. That the said heirs have already received the nineteen hundred and twenty acres and the six hundred and forty acres allowed by law.

4. The third of a league has never been granted to the heirs, but is now due them.

M. H. BOWERS, for Committee.

Report read and laid over under the rules.

COMMITTEE ROOM, }  
Austin, Oct. 19, 1871. }

Hon DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Private Land Claims, to whom was recommitted Senate bill No. 353, entitled "An act for the relief of James S. Patterson," after careful consideration, instruct me to report the same back and recommend its passage for the following reasons :

1. It appears from the evidence that said Patterson emigrated to Texas in the year 1832, and fought as a soldier and was wounded at the battle of San Jacinto.

2. He has received bounty as a soldier and donation as a participant in the battle of San Jacinto; but has never received a headright.

3. The headright of one-third of a league is due him under the law and the facts.

Respectfully,

G. T. RUBY, Chairman.

Report read and laid over under the rules.

Reports of Committee on Immigration :

COMMITTEE ROOM, }  
Austin, Oct. 11, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Immigration, to whom was referred Senate bill No. 472, entitled "An act to incorporate the Texas European Steamship and Land Company," instruct me to report the same back and recommend its passage, with the accompanying amendment.

Respectfully,

W. H. PARSONS, Chairman.

Amendment by Committee on Immigration to Senate bill No. 472: Amend section three by striking out all of said section after the word "State," in line eight.

Report read and laid over under the rules.

Report of Committee on Stock and Stockraising:

COMMITTEE ROOM, }  
Austin, Oct. 19, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 493, entitled "An act supplementary to 'an act to encourage stockraising and for the protection of stockraisers,' approved May 22, 1871," have carefully considered the same, and instruct me to report it back with the accompanying substitute and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

Report and substitute, Substitute Senate bill No. 493, entitled 'An act supplemental to 'an act to encourage stockraising and for the protection of stockraisers,' approved May 22, 1871.'

On motion of Senator Ford, the rules were suspended to consider the report and bill. Substitute Senate bill No. 493 read second time.

On motion of Senator Ruby, the further consideration of the bill was postponed until 11:30 A. M., Wednesday next, and one hundred copies of the bill, substitute and report ordered printed.

Senator Pridgen asked leave to withdraw House bill No. 15, "An act to incorporate the Casino Society of Yorktown.

There being no objection leave was granted.

On motion of Senator Baker, the rules were suspended to take from file House bill No. 750, "An act to incorporate the town of Cockhart, in Caldwell county." Read second time and passed to a third reading.

On motion of Senator Baker, the rules were further suspended and the bill read second time and passed to a third reading.

On motion of Senator Baker, the rules were further suspended and House bill No. 750 read third time and passed.

On motion of Senator Ruby, the rules were suspended to take from file Senate bill No. 472, "An act to incorporate the Texas European Steamship and Land Company." Read second time, and on motion of Senator Dchoney the following amendment, reported by the Committee on Immigration, was adopted, to wit: Amend section three by striking out all of said section after the word "State," in line eight.

On motion of Senator Ruby, section five was amended by striking out all of said section after and including the words "and for any violation."

Senator Ruby moved the engrossment of the bill.

Yeas and nays called for, and the bill ordered engrossed by the following vote:

Yeas—Mr. President, Dchoney, Douglas, Evans, Ford, Hertzberg, Latimer, Parsons, Pridgen, Rawson, Ruby, Shannon, Tensdick—13.

Nays—Messrs. Bowers, Cole, Flanagan, Gaines, Hall, Hillebrand, Mills, Pettit, Pyle—9.

Bill passed to a third reading as amended.

On motion of Senator Parsons, the rules were further suspended and Senate bill No. 472 read third time and passed as amended.

By leave Senator Pettit offered the following resolution, which was adopted on motion of Senator Baker:

WHEREAS, The Hon. J. W. Flanagan, one of the United States Senators for the State of Texas, is now sojourning in this city; therefore, be it

*Resolved*, That the President of the Senate be and he is hereby requested to invite within the bar of this Senate, furnish such accommodations, and extend such other civilities to Senator J. W. Flanagan as may seem befitting the station and character of our honored representative in the highest legislative tribunal of the nation.

Senator Bowers moved that the Senate stand adjourned till 10:30 o'clock A. M. to-morrow.

Yeas and nays called for, and motion to adjourn carried by the following vote:

Yeas—Mr. President, Baker, Bowers, Cole, Evans, Flanagan, Ford, Gaines, Hall, Hillebrand, Latimer, Mills, Parsons, Pyle, Rawson—15.

Nays—Dohoney, Douglas, Hertzberg, Pettit, Ruby, Saylor, Tensick--7.

So the Senate, at 12 o'clock M., adjourned to 10:30 o'clock A. M. to-morrow.

### THIRTY-FIRST DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Saturday Oct. 21, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent—Senators Fountain, Mills and Shannon.

Absent, excused—Senator Pickett.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

### REPORTS OF STANDING COMMITTEES.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,  
Austin, Oct. 20, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 504, to be entitled "An act to provide for appeals from interlocutory judgments in the district courts of the State," and find the same to be correctly engrossed.

G. T. RUBY, Chairman.

Report read and received.

Reports of Committee on Finance:

COMMITTEE ROOM,  
Austin, Oct. 20, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Finance to whom was referred Senate bill No. 461, entitled "An act making appropriations for deficiencies for the support of the State Government for fiscal year beginning September 1, 1871, and ending August 31, 1872," after care-